LETTERS OF SCÆVOLA.

PART I.

LETTER I.

ONE of the most valuable privileges of a free people is the right of discussing and examining with decency and respect, the measures of its Government, and of pronouncing its judgment, without fear or restraint, on the public conduct of its Rulers. Government is, no where, a private inheritance for the use and pleasure of the holder; but in all countries it is a public trust, committed to the few for the benefit of the many. The people have, in all countries, a right to be governed with justice and moderation, with a due attention to their welfare, and a proper regard to their wishes; and in no

210818

country, where the rights and feelings of humanity are not quite forgotten, can they be prevented from giving vent to their complaints when their interests are neglected, or their liberties and properties infringed. But, happily, in this country, the people have not only a right to a just and careful administration of their affairs, and to a patient attention to their grievances; but it is their ancient and undoubted privilege, to discuss, with perfect freedom in Parliament, all the acts and proceedings of their Rulers; and, in modern times, by a gradual tolerance, introduced and established under the sanction of a mild and equitable system of administration, it has become, in some sort, a privilege, even of private individuals, to exercise the same censorial power out of doors, provided it be used with decency and moderation, and with that respect and forbearance which are due from Subjects to their Government.

But if this be a privilege which can ever be exercised in this country by private individuals,

without an offence against the State, the present is an occasion that calls for it. When Ministers possessing apparently the confidence of the King and Parliament were dismissed abruptly from office, without any public act or cause which could explain or justify their removal; the general feeling was, first, astonishment and sorrow at so unexpected and lamentable a change; and then, suspicion, that they had fallen victims to some private intrigue, foreign to the genius and repugnant to the spirit of our Constitution. But, when the secret history of the proceeding was disclosed to us, when our fears were converted into certainty, there was no man who truly loved the Constitution and Liberties of his country, that did not tremble at the precedent that had been established, and at the consequences to which it might lead.

It is immaterial in one point of view to consider at what period of time, or with what chances of future good or evil to the country, measures of so dangerous a tendency have been adopted. If the principles of the Constitution have been violated in the change, it is an act

equally deserving of censure, equally incapable of justification, whether effected in quiet and peaceable, or in perilous and turbulent times; and, without denying that the immediate disadvantages to the State would have been less, it must have been equally deplored by the friends of the Constitution; though the late Ministers had been men of slender capacity and of little estimation or interest in the country, and though their successors had been distinguished for their weight, their talents, or reputation. But, in weighing the immediate and practical effects of this measure, it is impossible to forget that we are encompassed, at this moment, with greater dangers than have threatened our Island since the days of Elizabeth, and that we are opposed to a more enterprising and formidable enemy than modern Europe has ever witnessed. We cannot forget, that the Ministers who have been recently dismissed from Office, are the men who, a little more than a twelvemonth ago, were called to the councils of their Sovereign as the only persons in the State in whom their King and Country could confide; and that the new

Ministers are the same persons who confessed themselves to be at that time unequal to the arduous task which they have now undertaken. We cannot but lament, that, in times of difficulty and danger, we have exchanged what was stable for what is unstable—what was firm for what is fragile; that instead of a strong Government and a weak Opposition we have got a weak Government and a strong Opposition; that we have thrown away a mass of solid iron, for a lump of incoherent particles, brought and kept together by the magnetism of place.

It is to vindicate and explain the just and lawful Prerogative of the Crown that these observations are addressed to the public. The Prerogative of the Crown was established for the subject's benefit, and ought to be cherished and defended by him, like his own rights and franchises. But there have been at all times sycophants of power, who, after basking in the sunshine of royal favour, and intercepting its rays from their fellow subjects, have sought protection in the Prerogative of their Master, and left

him exposed to the consequences of their misdeeds. "The King of England is no party in "grievances, for his Majesty's Prerogative is "to do no wrong. It is from evil counsellors "misinforming him that distempers arise in the "State, and invade his subjects." Such was the language of our fathers, and such we trust will be the language of our latest posterity.

It is an undoubted part of his Majesty's Prerogative to dismiss his servants; but a King of England never acts without advice, and those who advise him are responsible for the exercise of his prerogative. It is a sacred and fundamental maxim of the Constitution, That the King can do no wrong. But, it is a maxim of all just and lawful Governments, that the people shall suffer no wrong from those entrusted with the administration of their affairs, without having a legal and constitutional remedy. To reconcile these maxims apparently inconsistent, it is an established maxim of the Constitution of England, that for every act of the Crown there must be a responsible adviser. In the or-

dinary administration of affairs the Ministers are responsible in their respective department, for that which cannot be done without their consent and co-operation. But even in those acts of the prerogative, where the interposition of Ministers is not required, and where the King acts in his own person, he is supposed to act from advice, and those who are considered to be his advisers are responsible for his conduct. If there be any act of the prerogative to which it would seem, that no responsibility ought to attach, but where the royal will ought to be exerted, free, unfettered, and unrestrained, it is in acts of legislative authority, where the Sovereign is not the executor of the law, but concurs with the other branches of the legislature in creating it. Yet, when King William refused his assent to a Bill that had passed the two Houses, the House of Commons came to a resolution, "that "whoever advised the King not to give the "Royal Assent, was an enemy to their Majes-"ties and the Kingdom."*

*Journals of the House of Commons, 26th Jan. 1693.

The power of dissolving Parliament is another prerogative, which the King may exert in person, without the interposition of his servants, and it is considered by many as the great security and bulwark of the Crown against the encroachment of the Commons. Yet in the reign of Charles IId an Address was presented to his Majesty by the Commons against George Earl of Halifax, praying that Noblemen "might "be removed from his Majesty's person and "councils for ever," because the Commons "had just reason to believe he had promoted "by evil and pernicious counsels the dissolution "of the last Parliament."* Speeches from the Throne, and the Answers of his Majesty to Addresses from the two Houses, though delivered by the King in person, are considered to be the speeches and answers of his Ministers, and are commented on as such with freedom. A single instance of this may be given, not to illustrate a position familiar to every one, but on account of the marked displeasure which the Com-

* Journals of the Commons, 22d Nov. 1680.

mons express in it, against those who had advised the King, not to grant an immediate assent to one of their petitions. An application having been made by the House of Commons to King William, for permission to examine the council books, to which he returned for answer, "that "he would consider of it," the House immediately voted, "that the persons who had advis- "ed the King to defer the giving leave to inspect "the council-books were enemies to the King "and Kingdom."*

Such being the Constitution of England, there is no indecency or impropriety in discussing in decorous and respectful language, but with the most perfect freedom, the causes that have led to the recent change of Administration. If there has been any thing criminal or unconstitutional in these proceedings, the fault is not with our Gracious Sovereign, but with his advisers; and in the eye of the Constitution those who enable his Majesty to carry ad-

* Journals of the Commons, 13th July, 1689.

vice into effect are considered to be his responsible advisers.—Lord Somers advised King William against the Partition Treaty, but after having given this advice as a Privy Counsellor, he enabled his Majesty to carry the measure into effect, by the use of the Great Seal, which was in his custody; and for this offence he was impeached by the Commons. When he produced before them an original letter from the King, showing most clearly and satisfactorily that he had acted in the whole of this affair, in obedience to his Majesty's most positive commands, the Commons instantly voted, "That an humble address be "presented to his Majesty, praying that he "will be pleased to remove John Lord Somers "from his presence and councils for ever;" and in the Address, which they presented next day, they assigned as the reason for their vote, that Lord Somers, and the other Lords who had acted in concert with him in this business, "to "avoid the censure which might justly be ap-"prehended to fall on those who advised the "same, had endeavoured to insinuate that his

"Majesty, without the advice of his Council, "had entered into that Treaty, and under his "sacred name to seek protection for what "themselves had so advised."* Why were the Commons so indignant at the defence set up, and, it must be confessed, satisfactorily made out, by Lord Somers? Because they were friends to the Monarchy of England, and knew that if Ministers could divest themselves of responsibility, by pleading that they *had acted in obedience to the orders of the King*, their Royal Master would soon be made responsible in their stead.

The case of Lord Danby is, if possible, still more decisive in favour of the Constitutional Prerogative of the Crown. Lord Danby had been engaged by Charles IId in a scandalous and disgraceful negociation abroad, in which he was so averse to be employed, that, to satisfy his mind, his Majesty subjoined to a letter afterwards produced in the House of Commons,

* Journals of the Commons, 15-16 April—16 May, 1701.

these words, written with his own hand—"This letter is writ by my order. C. R." But the Commons, more regardful of the honour and permanent interest of the Monarchy than the King himself, when this letter was laid before them, voted without delay that Lord Danby should be impeached; and when that Nobleman afterwards pleaded before the House of Lords, in answer to the charges brought against him, "that whatever he acted "in these affairs, was by his Majesty's express "command and direction;"* the Commons resolved, that Lord Danby had, in this plea, "aspersed his Majesty by false suggestions, as "if his Majesty had commanded or countenanced the crimes he stands charged with; "which remains as a scandal on record against "his Majesty, tending to render his person "and government odious to his people."†

The history of Lord Danby's impeachment is valuable in another point of view, because it

* Journal of the Lords, 25th April, 1679.

† Journals of the Commons, 26th May, 1679.

shews how firmly rooted is that fundamental maxim of the Constitution, that the King cannot exert his prerogative without some responsible adviser. Charles 2d was desirous to screen Lord Danby from the effects of an impeachment, which that Minister's excess of compliance with his wishes, rather than any guilt of his own, had brought upon him, but he was unwilling to expose any of his other Ministers to the like hazard. Having therefore directed a pardon to be extended in secret for Lord Danby, he commanded the Chancellor to attend him at Whitehall, with the great seal, and there taking the seal from the Chancellor's custody, he employed an inferior agent to affix it to the pardon. But the Commons were not the dupes of so paltry an artifice, and disdaining to punish the Chancellor's purse-bearer, who had been used on this occasion as the instrument of the Royal will, they voted at once, "that a humble address should be pre-
"sented to his Majesty, representing to his
"Majesty the irregularity and illegality of the
"pardon granted to the Earl of Danby."*

* Journals of the Commons, 24th March, 1678.

Such was the language and conduct of a House of Commons, which, if it did not restore the Monarchy in the person of Charles, made the crown secure upon his head; and such, we trust, will ever be the language of an English Parliament attached to the Monarchy, but not unmindful of the rights, and liberties, and security of the people.

If, then, secret advisers of the Crown have counselled his Majesty to dismiss his late Ministers, on grounds inconsistent with the Constitution, his present Ministers, by accepting the Government under these circumstances, have become responsible for the advice, and must stand or fall by it. If they are not the secret advisers of the removal of their predecessors, it is by their means, and through them, that the advice has been carried into effect. They must either give up to Parliament the secret advisers to whom they owe their elevation, or become responsible for the advice; for, the Constitution of England is not to be violated with impunity.

SCÆVOLA.

LETTER II.

HAVING proved, I trust, to the satisfaction of my readers, that the present Ministers are responsible for the advice which led to the dismissal of their predecessors, I proceed, in the next place, to inquire, what was, in fact, the advice for which they are responsible. And here I have no hesitation to assert, and undertake to prove, if ever the Minutes and other authentic documents which have passed on this subject should be published by authority, that the sole cause of the removal of the late Ministry from office, was their refusal to give a positive assurance, in writing, to his Majesty, amounting in substance, to a solemn pledge, that they would never submit to him in future the propriety of making farther concessions to his subjects of the Roman Catholic persuasion.

This refusal was not extorted from Ministers, without the deepest expressions of regret, and of attachment to his Majesty's person; not

without stating to him, with all humility and duty, the constitutional grounds on which it was impossible for them to obey his commands, feeling, as they did, that such an assurance, inasmuch as it must fetter the free exercise of their judgment, was inconsistent with the duty inseparable from their station as his Majesty's Ministers and sworn Counsellors, to submit to him, without reserve, the best advice which they could frame, to meet the various exigencies and dangers of the times: and this explanation was accompanied by a respectful declaration, that, consistently with their duty as Privy Counsellors, they could not bind themselves to withhold from his Majesty, under all the circumstances which might arise, those counsels which might eventually appear to them indispensably necessary for the peace and tranquillity of Ireland, and for defeating the enterprises of the enemy against the very existence of the empire.

It has been insinuated, that the refusal of Ministers to take the pledge, was not the sole

ground of their dismissal, but the contrary is manifest from the single fact, that they might have remained in office if they had taken it. As to the foul and scandalous accusation, that they were dismissed from his Majesty's service, because they had deceived, or attempted to deceive him, the absurdity of the charge is its own refutation. Had Ministers been capable of so black a crime, would his Majesty have proposed to them a pledge for their future conduct? If any man were to detect his steward or his attorney cheating him, would he attempt to bind him to an honest life in future by a pledge? The demand of the pledge is the justification of Ministers from so gross and impudent a calumny.

Such then being the distinct and narrow ground on which his Majesty's late Ministers were removed from office; let us consider, whether the pledge, which his Majesty was advised to demand from them, could have been granted consistently with the letter or spirit of the Constitution.

His Majesty's Cabinet Ministers, or, as they are often termed, his confidential Servants, are Privy Counsellors, and in that capacity only are they authorized to submit their advice and opinions to his Majesty on matters of State. But what are the duties of a Privy Counsellor, to which he is bound by his oath of office? He swears, "faithfully and truly to declare his "mind and opinion, according to his heart and "conscience, in all things to be moved, treated, "and debated in council." What are the duties of a Privy Counsellor's station, as laid down in law books of authority, and in the old and more detailed oath of office? He is bound "truly to counsel the King in all matters treat- "ed in the Council, or by him as the King's "Counsellor; and in all things that may be "for the King's honour and behoof, and to "the good of his realms and subjects, without "partiality or accepcion of persons, not leav- "ing or eschewing so to do for affection, "love, mede, doubt or dread of any person or "persons; nor for gift, mede or promise, to "promote, favour or hinder any matter

" treated or done in council; and in general " to do all a good and true Counsellor ought " to do unto his sovereign lord."*

But is it possible to reconcile with such duties and obligations as these, the pledge demanded from his Majesty's Ministers? How is he " faithfully and truly to declare his mind " and opinion, according to his heart and " conscience, in all things to be moved, treated, " and debated in council," who holds his place under a secret engagement to suppress his opinion and to withhold his advice on a particular subject? How is he " to counsel in " all things that may be for the good of his " Majesty's realms and subjects, without " partiality or exception of persons," whose mouth is closed in every thing connected with the tranquillity and welfare of one of these realms, and of three millions of these subjects? How is he to give his counsel, unfettered by a " promise," who is bound by a pledge? How is

* Comyns' Digest. Roy (E. 4) First report on public records, p. 222.

he " to do all a good and true counsellor ought " to do unto his sovereign lord," who is not at liberty to counsel his master; though he sees him hood-winked on the brink of a precipice?

The pledge which his Majesty was advised to demand from his Ministers, was inconsistent with their duty and obligation as Privy Counsellors, and repugnant to the very idea and nature of their station, as responsible advisers of his Majesty. When Charles II. had declared in Council, that his resolution was taken to prorogue his Parliament, and had refused to listen to any objections from his Counsellors to a measure which had been privately concerted with his secret advisers, that virtuous and temperate statesman, Sir William Temple, observved to him, " If your Majesty thinks the per- " sons of your present Council unsuited to your " affairs, you may dissolve them, and constitute " another Council, and alter them again when " you will: but *to make Counsellors that shall* " *not counsel,* I doubt whether it be in your " Majesty's power or no; because it implies a

" contradiction."* But what Sir William Temple only ventured to insinuate, that Charles II. was meditating to attempt, secret advisers have been found to recommend to our gracious Sovereign to demand from his servants. In proportion to the personal virtues of that exalted personage—in proportion to his known love and attachment to the constitution—in proportion to his warm affection and unabated regard to all classes of his subjects—the deeper is the guilt of those who have deceived his royal mind, and insinuated into his ear such unconstitutional and criminal advice.

A similar pledge was once demanded, in former times, not from Privy Counsellors and Ministers of State, but from the Judges of England, who at that time held their offices during pleasure as the Ministers do at present.—James I. at the instigation of a Bishop, interfered with the administration of justice in his Courts of Law, and ordered the Judges not to proceed in a par-

* Temple's Memoirs from the Peace in 1679.

ticular case till they had consulted with him. The Judges, after deliberating together, refused to obey, declaring, in a letter signed by the twelve Judges of England, that his Majesty's commands were inconsistent with the duty to which they were bound by their oath of office. The King summoned them before his Council, reprimanded them sharply for their disobedience, and demanded from them a pledge, that if he should ever send them again a similar message, they would stay proceedings till they had consulted with him. The other Judges were intimidated, and submitted to the pledge; but the great Sir Edward Coke, who was then Chief Justice of the King's Bench, replied as became the guardian and interpreter of the laws, "that when the case happened he would "do his duty."*

What would be the fate of England if the confidential Servants of the Crown were accustomed to give such pledges in secret to their master? What would be the practical effect

* Biographia Britannica. Art. Coke, Sir Edward.

of this innovation in our Constitution ? It would be giving, in substance and in effect a negative before debate to the secret advisers of the Crown. Men unknown in the Constitution, responsible to no tribunal, guided by private favour and affection or prompted by idle fancies and arbitrary caprice, Counsellors neither tangible nor visible, but like wicked spirits known only by the evil they produce, would usurp, at this day, in the English Constitution, the same dangerous powers, which were enjoyed and abused in the Scottish Parliament by the Lords of the Articles, under the tyrannical House of Stuart.—While Ireland was considered and treated as a conquered province, the Privy Council of England had a negative before debate on the proceedings of the Irish Parliament ; but when after three centuries of slavery and submission, the Irish Nation and Irish Parliament reasserted their rights and recovered their dignity and importance, one of their first acts was to abolish this badge of servitude. Yet this was a privilege lodged in the Privy Council of England, in the hands of known and

honourable men, who are personally responsible for the advice which they give to their Sovereign. But, the negative now sought to be established, not in Ireland, but in England, is to be placed—where?—in the secret, unknown, irresponsible advisers of the Crown.

The great historian of England, whose general leaning is certainly not too much in favour of popular Government, has remarked in one of his essays, that, "if the King of England had a "negative before debate, and could prevent any "Bill from coming into Parliament, he would be "an absolute Monarch; that if he could crush "a disagreeable Bill in embryo, the British con- "stitution would have no balance, nor would "grievances ever be redressed." But that device for crushing a disagreeable bill in embryo, which Hume's sagacity foresaw, the secret advisers of his Majesty have at last discovered. It is only taking a pledge from Ministers that they will never submit any proposal to his Majesty connected with any subject to which his secret advisers are averse. If Ministers have once given the pledge, there is no longer room for agitating

questions as they arise. However great the stake or imminent the danger to the country, Ministers have only to look on in silence, and maintain inviolate the pledges which they have taken. That supreme power, which must exist at all times in the State, to do all that is necessary for the safety and welfare of the realm, will be subordinate in England, to the secret advisers of the throne. Ministers may be aware of the evil to be eschewed, but having pledged themselves in secret, they cannot take nor even propose any measures to prevent it. Having entered into a bond with the secret advisers of the crown, though it should end, as other secret and unlawful bonds are said to begin, with the seal of blood, they must abide by the consequences. Parliament is unacquainted with the danger till it is too late to apply the remedy. If urged by Opposition to interfere, its confidence in Ministry, its ignorance of the secret compact into which they have entered, will induce it to pause and hesitate, till the day of prevention being passed, that of retribution only remains.

It would be in vain to argue agianst this reasoning, that though Ministers were restricted by secret pledges and promises, from bringing forward measures which they thought essential to the safety and general welfare of the kingdom, such questions would still be agitated in Parliament by Opposition, who were under no such restraint. It is, indeed, the great excellence of the English form of Government, that questions which Ministers would keep back, are brought forward by Opposition. But he who knows the practice of our Constitution, must know under what disadvantages any measure originates with Opposition, when it is resisted by the confidential Servants of the Crown. While Parliament gives its general confidence to Ministers, it seldom entertains favourably any question against which they set their face decidedly; nor could the business of Government be administered, unless such a liberal confidence were given to them. When the confidence of Parliament is withdrawn or withheld from the Ministers of the Crown, it is their duty to

retire from office; and this is the real practical responsibility of the English Constitution. It is not the fear of impeachment which drives a Minister from place, but the loss of the confidence of Parliament. What put an end to the thirty years administration of Sir Robert Walpole, but a vote of the House of Commons? What drove Lord North from the Government, but the votes of the House of Commons, disapproving of the American War? What compelled Lord Shelburne to resign, but a vote of the House of Commons against the peace? What induced Mr. Addington to retire, but a growing minority in Parliament against his measures? Impeachments and bills of attainder are feverish paroxysms, which denote the Constitution to be in danger. The votes and resolutions of Parliament are the indications of nature, which if attended to and obeyed, prevent the formation of disease. This is the true security of the country, that no man can be the minister of this great empire, who is unable to justify his measures in Parliament. This is our safeguard against private cabals and secret

influence. No worthless minion can be set over us by the secret advisers of the crown, while the business of government must be carried on in Parliament.

But, if the doctrine of pledges were admitted into the Constitution of England, the supreme authority would be lodged, not in the King, Lords and Commons as by law established, but in the secret advisers of his Majesty. The Ministers who conducted public affairs on such terms, might be compelled to resign by the votes of Parliament; but successors equally compliant would be found, and if these were still unacceptable to Parliament, the Commons would be dissolved, every art would be used to misrepresent their conduct, and give a false colour to their proceedings, the loyalty and affections of the people would be appealed to, and the whole weight and influence of Government exerted to procure representatives more favourable to the Court.

All the ancient Governments of Europe are, in theory, free, like the Government of England;

but, in practice, they have been conducted for ages, not by responsible Ministers, accountable to some public assembly for their measures, but by favourites and secret advisers, who hope for the continuance, as they derived the beginnings of their fortune, from the arbitrary will and caprice of their master. We have had, even in England, examples of worthless minions raised by Court favour to the highest offices and dignities of the State. The reigns of the Stuarts are full of such examples, and even Queen Elizabeth placed an Earl of Leicester at the head of her army. It was not till after the Revolution that the practical maxim of the Constitution was established, that no man should be Minister of this country who possessed not the confidence of Parliament. The exertions of our ancestors banished favouritism from the Government of England. Let not the apathy of their descendants ever permit its revival.

But, let us consider what sort of men would be found ready to accept of office on the terms

proposed; who will consent to be responsible for Counsels not their own, and carry on a system of measures which they have not advised? Not men of weight, character, talents, and consideration in the State. No, our Ministers must be Clerks of Office, raised for their meanness and unworthiness, beyond their most sanguine expectations, and ready to take their chance of future punishment for the present possession of a prize once so far beyond their reach. Such are the public Ministers of arbitrary governments, while the movements of the State are directed in secret by the mistresses and favourites of the Sovereign. Such Ministers would not be deterred from wicked and pernicious counsels, by their own sober discretion, or by the fear of Parliament. Shame and disgrace, which have such powerful operation on noble minds, would have no effect upon them. The man who could stoop to give a pledge inconsistent with his oath, must be past the fear of disgrace. The nicety of his honour and sensibility of his conscience must be already blunted. He is a subject for rougher

discipline than the fear of dishonour. If impeached by the Commons, he would be contented with a bare acquittal, and return with an unblushing countenance to public life, if one less than the legal majority had pronounced him guilty. Such will be the Ministers of England, if they are to act in future a subordinate part under the secret advisers of the Crown.

SCÆVOLA.

LETTER III.

Objections of various and even opposite descriptions have been made to the constitutional doctrines maintained in the two preceding letters, which I have addressed to you. Persons of a metaphysical turn of mind have been shocked with a proposition of Ministers being responsible for measures which had been carried into effect before they were brought into office. It is not denied, say they, that the King may have dismissed his Ministers by the advice of secret counsellors, and that having dismissed them,

he must nominate others to carry on the business of his Government. On what principle then are those who have been constitutionally appointed to the vacant offices of State, to be made responsible for the dismissal of their predecessors, which took place before they were called to the counsels of their Sovereign? To such reasoners we reply, that he who carries advice into effect is responsible for the advice; that, as it is impossible for the business of Government to stand still, the removal of Ministers is not a complete act till successors have been found to replace them; and therefore that he who makes the arrangement for the new Cabinet, carries, in fact, into full and complete effect, the advice which led to the dismissal of the last. If there is any part of that advice, of which the framer of the new Cabinet is not the real author, and for which he is unwilling to be responsible, he may, and he ought to advise his Sovereign to divulge and give up the names of his secret advisers; but if the new Minister declines to give such advice to his Master, he must take the responsibility upon himself, and what-

ever real share he may originally have had in the dismissal of his predecessors, he must be considered as at least *an accessary after the fact*, and as such accountable for the measure.

Another class of persons are offended with Ministers, for consulting with their Sovereign about measures and legislative proceedings to be submitted to the consideration of Parliament. Because it was unconstitutional, while a bill is passing through Parliament, to influence votes in that Assembly, by the use of his Majesty's name or by any declaration of his private wishes and opinions, they consider it to be equally unconstitutional for his Ministers to deliberate with him in private, about the measures which they are to propose to Parliament. Such persons forget, that direct messages and recommendations from the Crown, are every day the foundation of relative proceedings in that Assembly.

A third class of objectors complain, that if the King cannot change his Ministers, without some person being responsible for the act, his

prerogative is reduced to a nullity, he becomes a cypher in his own government, and the only slave in a land of freemen. But, such objectors do not consider, that if there is one public man in the kingdom who approves of the grounds on which the King is advised to dismiss his Ministers, that public man will undertake the responsibility of the act, and surely if there is not one public man who approves of it, they will not contend that advice so universally reprobated ought to be carried into effect because it is true as an abstract proposition, that it is part of his Majesty's prerogative to dismiss his Ministers. Government without responsibility is arbitrary Government, which has been always rejected and held in detestation by Englishmen. "The first "Government was arbitrary, until it was found "that to live by one man's will became all "men's misery." Such was the language of the venerable Hooker, when the English Government was not entirely exempt from arbitrary rule. We who have enjoyed the blessings of an opposite Government, must not on that

account reject and contemn the fruits collected by his experience, in a more chill and less genial season.

But, to return to the recent case of dismissal, what is the nature of the pledge, which the secret counsellors of the Crown have, in this instance, advised his Majesty to demand? That under no circumstances his servants shall ever propose to him any farther concessions to his Catholic subjects. The Crown which is the fountain of mercy and favour, is converted by its secret advisers into a source of bitterness and prescription. What is the language which Ministers who have taken this pledge must hold to the Catholics? "While his present "Majesty lives and reigns over you, you have "no favour, no indulgence to expect, no for- "giveness for the sins of your fathers, for as "a body you have no political transgressions "to answer for." Gracious Heaven! What enemy to the Monarchy, what personal foe to our beloved Sovereign can have poisoned his ear with such counsels? It is impossible to

lessen the attachment, or shake the fidelity of his subjects to the person of our excellent and beloved Monarch, but if such a detestable scheme were in agitation, how could it more effectually be promoted than by such advice? I forbear even to allude to the effects, which may attend such maxims of government, and such open declarations, that all future concession is to be denied. No friend of England, no subject who values the peace and glory of his Sovereign, can contemplate such prospects without grief and apprehension. No man can look into the past history of his country, without finding examples of the fatal effects from such causes. No King of England was better or more deservedly beloved than Edward 3d, till the influence of an intriguing son, after occasioning the loss of his transmarine possessions, clouded the sunshine of his reign, and disturbed his last moments with the murmurs and discontents of his subjects.*

* *That* son was called Duke of Lancaster, a title which has not been since conferred on any of the younger branches of the Royal Family, on account of the extensive regliaties an-

We ask our new Ministers, suppose Ireland invaded by a French army and saved by the valour of the Catholics, are you to make them no recompense for their loyalty and courage? Are you precluded by a pledge from recommending such a measure to your Sovereign? Suppose, in the event of an invasion, that the Catholic Body were divided; that loyalty and attachment to their country kept part of them steady to their allegiance; while disappointment and despair drove another part to join themselves to the invaders; would you make no difference between your friends and your enemies, except in the different degrees of punishment you measure out to them? To generous minds, exclusion from the service of the State is a severe punishment. They only who deserve it will submit to it without complaining. It is utterly repugnant to the free and liberal principles of our Constitution, which is not made, as an eloquent Statesman has well observed, "for great,

nexed to it, its place having been supplied by other titles not then appropriated to Princes of the blood, such as Duke of CUMBERLAND, &c.

"general, and proscriptive exclusions; sooner "or later it will destroy them, or they will de- "stroy the Constitution." But if this pledge is enforced, and becomes part of our secret system of government, it is not the possession of privileges which is denied to the Catholics, but the hope of ever acquiring them. While our beloved Sovereign lives, the advisers of such measures must address the Catholics in words taken from the portal of Hell—

Lasciate ogni speranza,

and hold out to them *that* event which must fill every other eye with tears, and bring sorrow to every other bosom, as the period which alone can restore to them the hopes of regaining their privileges.

Suppose such a pledge had been exacted thirty years ago, must not the Penal Laws against the Catholics, that iniquitous code of tyranny and persecution, now so happily abolished, have been maintained in all its rigour and severity, against the interests of the state and the opinion

of every enlightened man in his Majesty's dominions? Or, if these laws had been abolished before the pledge was devised, must not the Irish Catholics have had at least one tie less attaching them to the constitution of their Country, by the want of the elective franchise? And why oppose an unsurmountable barrier to the present measure, which would convert an idle and disorderly population into a brave and excellent soldiery; and, after usual service to their country, return them to her bosom with principles of loyalty implanted in their hearts, and habits of order, economy and obedience fixed in their conduct; which would employ in the recruiting of the army, the operation of local influence, so usefully tried in Scotland, to break a spirit as hostile to the established government as that which prevails in any part of Ireland; which would open an honourable and splendid career to ambitious spirits, who are now pining in ignoble obscurity, deprived of all means of rising to eminence and honour, but in the service of our inveterate foes?

But if a pledge is to be demanded on this question, may it not be exacted on other subjects? There may be secret advisers of his Majesty, who are as solicitous about the recovery of Hanover, as about the exclusion of the Catholics. But, without controverting the importance of his Majesty's German dominions, or denying the obligation of this country to make every proper exertion for their recovery, are Englishmen prepared to give their approbation to a system of government, which may exact from Ministers a secret pledge, never to make peace, till Hanover is restored to its former masters?

What pledges may have been demanded or given in former times, it is impossible for us to know, because such disgraceful transactions are studiously kept from the light by those who possess or know the value of reputation. It has been said, indeed, that a great and eloquent Minister, in coming into office, *did* take a pledge of the nature of the one which his Majesty's late Ministers have refused; but the admirers of that extraordinary man will hesi-

tate before they give credit to such information, and wonder at any rate that the fact should have been disclosed by a friend.

There is one instance, indeed, in our history, where such a pledge is recorded to have been given, not by a subject to his sovereign, but by the sovereign to the first of his subjects.—Charles Ist. gave a solemn promise to Henrietta Maria, that he would never make peace with his Parliament, but through her interposition and mediation—an unfortunate engagement, since it was the true, though secret, cause of the failure of the Treaty of Uxbridge, the last which that misguided Prince negociated on equal terms with his subjects*.

Suppose the fears and jealouses so industriously circulated in England at the time of the Scottish Union, and even taken up and argued in Parliament, that the Church Establishment would be endangered by the admission of Presbyterians

* Clarendon's Life, i. 123.

to a share of the Legislature*, had been conveyed by secret advisers to Queen Anne and induced that princess to demand a pledge from Lord Somers and Lord Godolphin, that no Scotsman should be admitted into the United Parliament, who was not a member of the Church of England; would these great Statesmen have given such a pledge to their royal Mistress, or, if they had, would they have been able to effectuate the Union? Scotland was at that time full of Jacobites and Republicans, who would have rejoiced in such a demand: the union of the two countries was the only measure sure to annihilate the hopes of both.

We all recollect the American war, and how popular it once was with both King and People. There was a period when public opinion was so strong and violent upon this subject, that the Ministers of the crown would have had little scruple to pledge themselves never to concede the independence of America. But if such a pledge had been actually

* Burnet's History of his own Times, iv. 17.

given, where should we have been now; still waging a fruitless and sanguinary war with our American brethren? Hiring savages from Canada to scalp them, or purchasing slaves in Germany to bayonet them? Wasting the strength of our navy in an ignoble warfare with their defenceless towns, or employing our army to destroy their harvests and burn their habitations? Had such a pledge been given, Lord North must have dissolved Parliament in 1782, instead of retiring from office as became an honest and constitutional Minister. The secret advisers of the Crown must either have become the Masters of the State, or its public Ministers must have atoned, like STRAFFORD, for their crimes and treasons on the scaffold.

Printed by W. Flint,
Old Bailey.